

(ORDER LIST: 538 U.S.)

MONDAY, MAY 5, 2003

**CERTIORARI -- SUMMARY DISPOSITION**

01-1459 RILEY, INT. DIST. DIR., ICE V. RADONCIC, SABRIJA

The motion of Washington Legal Foundation, et al. for leave to file a brief as *amici curiae* is granted. The petition for a writ of certiorari is granted. The judgment is vacated and the case is remanded to the United States Court of Appeals for the Third Circuit for further consideration in light of *Demore v. Kim*, 538 U.S. \_\_\_\_ (2003).

01-1616 WEBER, INT. DIST. DIR., ICE V. HOANG, PHU C., ET AL.

The petition for a writ of certiorari is granted. The judgment is vacated and the case is remanded to the United States Court of Appeals for the Tenth Circuit for further consideration in light of *Demore v. Kim*, 538 U.S. \_\_\_\_ (2003).

01-1752 WEBER, INT. DIST. DIR., ICE V. SOSA, BALTAZAR

The petition for a writ of certiorari is granted. The judgment is vacated and the case is remanded to the United States Court of Appeals for the Tenth Circuit for further consideration in light of *Demore v. Kim*, 538 U.S. \_\_\_\_ (2003).

02-8263 BROWN, JACQUELINE P. V. UNITED STATES

The motion of petitioner for leave to proceed *in*

*forma pauperis* and the petition for a writ of certiorari are granted. The judgment is vacated and the case is remanded to the United States Court of Appeals for the Eleventh Circuit for further consideration in light of the position taken by the Solicitor General in his brief for the United States filed April 4, 2003.

#### **ORDERS IN PENDING CASES**

02-8863 JACOX, WILLIE C. V. ENGLAND, SEC. OF NAVY

02-9024 RODENBAUGH, DAPHNE V. CIAVARELLA, MARK

The motions of petitioners for reconsideration of orders denying leave to proceed *in forma pauperis* are denied.

#### **CERTIORARI GRANTED**

02-954 OFFICE OF INDEP. COUNSEL V. FAVISH, ALLAN J.

The petition for a writ of certiorari is granted.

02-1060 ILLINOIS V. LIDSTER, ROBERT S.

The motion of respondent for leave to proceed *in forma pauperis* is granted. The petition for a writ of certiorari is granted.

#### **CERTIORARI DENIED**

02-956 A. T. MASSEY COAL CO., INC. V. BARNHART, COMM'R, SSA, ET AL.

02-980 CORE COMMUNICATIONS, INC. V. FCC, ET AL.

02-995 BERWIND CORP. V. BARNHART, COMM'R, SSA, ET AL.

02-1044 GONZALEZ, JORGE L., ET UX. V. DaimlerCHRYSLER CORP.

02-1086 POWER ENGINEERING CO., ET AL. V. UNITED STATES  
 02-1107 U.S. EX REL. BECKER V. WESTINGHOUSE SAVANNAH RIVER  
 02-1111 MI COMMUNITY SVCS., ET AL. V. NLRB  
 02-1128 GRASSO, VINCENT, ET AL. V. NEW BEDFORD, MA, ET AL.  
 02-1130 LAUGHNER, RICHARD J. V. INDIANA  
 02-1151 INTERSTATE POWER CO. V. MARTINS, DANIEL, ET UX.  
 02-1260 ANZALONE, LAUREN, ET AL. V. O'CONNELL, RAYMOND  
 02-1263 WANTA, LEO V. CHANDLER, RICHARD G., ET AL.  
 02-1274 MIDDLESTEAD, DAWN B. V. TAYLOR, ARTHUR, ETC., ET AL.  
 02-1275 CONTINENTAL INS. CO. V. ALLIANZ INS. CO., ET AL.  
 02-1277 CASSIDY, JAMES V. PA WORKERS' COMP. APPEAL BD.  
 02-1279 ASKEY, JOHN W., ET UX. vs. PA DEPT. OF PUB. WELFARE  
 02-1280 SIMMONS, AUGUSTUS J. V. UNITED STATES, ET AL.  
 02-1287 GRIFFIN TELEVISION, ET AL. V. MITCHELL, H. L.  
 02-1313 ARNDT, LINDA V. KOBY, THOMAS, ET AL.  
 02-1319 ZELMER, KAREN S. V. BARNHART, COMM'R, SSA  
 02-1352 PALAIS ROYAL, INC., ET AL. V. STRAYHORN, CAROLE K., ET AL.  
 02-1392 BADER, SETH V. NEW HAMPSHIRE  
 02-1395 CHRUBY, WALTER A. V. GILLIS, SUPT., COAL TOWNSHIP  
 02-1408 ELDER, DOUG, ET AL. V. HOUSTON, TX, ET AL.  
 02-1412 BIRD, DONALD M. V. DAVIS, GOV. OF CA, ET AL.  
 02-1453 BIEGANOWSKI, ARTHUR C. V. UNITED STATES  
 02-8217 GALLARDO, REBECCA V. BARNHART, COMM'R, SSA  
 02-8785 CAMPANA-JANSEN, FERNANDO V. UNITED STATES  
 02-8810 McDERMOTT, MAUREEN V. CALIFORNIA  
 02-9254 MOORE, RICHARD V. INDIANA  
 02-9263 COVILLION, JOSEPH V. MAINE

02-9273 COOK, RONALD L. V. NABISCO, INC.  
02-9277 CASTRO-CUELLAR, JUAN E. V. MILES, WARDEN  
02-9280 COOPER, WILLIE T. V. CALIFORNIA  
02-9285 VERA, ARMANDO C. V. OGDEN CITY, UT  
02-9288 MCGREGOR, JOHN J. V. ARIZONA  
02-9293 IVORY, WILLIAM V. MISSISSIPPI  
02-9299 GUILMETTE, BRUCE M. V. MICHIGAN  
02-9301 FLOURNOY, RONALD V. CREAMER, L., ET AL.  
02-9304 ROWELL, LAMARR V. GRIEGAS, WARDEN  
02-9307 DAVIS, KEVIN C. V. WILLIAMS, WARDEN  
02-9313 DANSBY, JACOB V. ARENDALL, DAVID R.  
02-9318 KNIGHT, TYWON V. ILLINOIS  
02-9324 TAYLOR, JAMES V. EDGAR, JAMES, ET AL.  
02-9325 LANZY, LAWRENCE V. HARRISON, WARDEN, ET AL.  
02-9326 LARA, MANUEL V. CAREY, WARDEN, ET AL.  
02-9327 LAMB, MICHAEL T. V. COCKRELL, DIR., TX DCJ  
02-9335 NEWLAND, ROBERT L. V. TURPIN, WARDEN  
02-9337 JONES, CHARLES V. ILLINOIS  
02-9339 PENA, JOE V. COCKRELL, DIR., TX DCJ  
02-9343 REGER, RUSSELL J. V. PORTNOY, NOEL  
02-9354 PENRY, JOHNNY P. V. TEXAS  
02-9355 POWELL, KAREN D. V. ST. PAUL POLICE DEPT., ET AL.  
02-9366 WATTS, JAMES V. MILLER, SUPT., EASTERN  
02-9370 BOLDEN, CLIFFORD S. V. CALIFORNIA  
02-9373 BUHL, LEROY V. LAPPIN, WARDEN, ET AL.  
02-9374 SCHWINDLER, FRANK J. V. GEORGIA  
02-9377 TOWNSEND, ANTONIO J. V. JOHNSON, DIR., VA DOC

02-9378 TINMAN, THOMAS V. ILLINOIS  
02-9380 McCULLOUGH, JEFFREY V. PITCHER, WARDEN  
02-9383 KENNEY, BRUCE E. V. BASKERVILLE, WARDEN  
02-9385 CLARK, JAMES W. V. BELL, WARDEN  
02-9388 NABELEK, IVO V. COCKRELL, DIR., TX DCJ  
02-9390 HILLS, SAMUEL T. V. LOUISIANA  
02-9397 NELSON, JOHN A. V. DUNCAN, WARDEN  
02-9401 THOMPSON, RHONDA V. ILLINOIS  
02-9425 GREGORY, RONALD V. SPANNAGEL, ELI, ET UX.  
02-9426 GLOVER, JOHN T. V. KENTUCKY  
02-9427 HADDAD, CONSTANCE E. V. MI DEPT. OF CIVIL RIGHTS  
02-9442 FIELDS, HOPE V. BURNETT, BARBARA, ET AL.  
02-9464 DUNCAN, JOHNNY L. V. WOOD, BOB, ET AL.  
02-9484 BARRY, MARKUS V. ILLINOIS  
02-9489 RICHARDS, JUSTO V. HORBALY, CLERK, USCA  
02-9503 GOZY, EDWARD V. CAREY, WARDEN, ET AL.  
02-9511 HASTINGS, REGINA V. YUKINS, WARDEN  
02-9545 DIXON, DONNIE L. V. UNITED STATES  
02-9553 MACKEY, WALDO V. HATT, WARDEN, ET AL.  
02-9555 COLEMAN, DEDRICK V. ILLINOIS  
02-9574 TURNER, JOHN V. UNITED STATES  
02-9583 CARRASCO-CARRASCO, ISAAC V. UNITED STATES  
02-9584 CAMACHO, AARON V. UNITED STATES  
02-9585 DOWNEY, MICHAEL O. V. UNITED STATES  
02-9586 CORTES-URBINA, GENARO E. V. UNITED STATES  
02-9592 MOJARRO, DOMINGO V. V. UNITED STATES  
02-9593 BOYD, STANLEY F. V. NORRIS, DIR., AR DOC, ET AL.

02-9599 MEROLD, FRANK V. UNITED STATES  
02-9603 SALAS, ROBERT V. UNITED STATES  
02-9614 BROOKS, JAMES V. UNITED STATES  
02-9615 ARNESON, DONALD R. V. UNITED STATES  
02-9617 HOLMBERG, MICHAEL S. V. UNITED STATES  
02-9626 MACKINS, DAVID V. UNITED STATES  
02-9628 MALONE, MARTY J. V. PAYNE, ALICE  
02-9631 TORRES, ANTHONY V. LEVESQUE, FREDERICK, ET AL.  
02-9634 POWELL, JOHN V. UNITED STATES  
02-9639 HUSK, SEAN V. V. UNITED STATES  
02-9640 GONZALEZ-BUSTAMANTE, CARLOS V. UNITED STATES  
02-9641 GEROLA, PATRICK M. V. UNITED STATES  
02-9643 GREEN, FREDERICK V. UNITED STATES  
02-9647 COWELL, ALPHONSO V. COALTER, WILLIAM H.  
02-9648 DORROUGH, JERRY M. V. GAINES, COMM'R, U. S. PAROLE  
02-9654 FOGLE, RONALD V. COLORADO  
02-9655 HODGES, CARLAN D. V. UNITED STATES  
02-9656 GONZALEZ-ROJAS, JOSE L. V. UNITED STATES  
02-9657 GONZALEZ-VARGAS, JOSE T. V. UNITED STATES  
02-9658 PARSON, JOHN K. V. UNITED STATES  
02-9660 PADILLA-MICHEL, MARTIN V. UNITED STATES  
02-9661 NICHOLAS, RON T. V. MIRO, WARDEN, ET AL.  
02-9663 BERMUDEZ-BARBA, ARMANDO V. UNITED STATES  
02-9678 ADAMS, PHILLIP A. V. TEXAS  
02-9682 HUSNER, DAVID V. LA CTY. MENTAL HEALTH DEPT.  
02-9686 STANISTREET, SHAUN, ET AL. V. CALIFORNIA  
02-9691 STRASSINI, JOHN D. V. DODRILL, WARDEN, ET AL.

02-9692 WADEN, TRAVIS A. V. UNITED STATES  
02-9696 WILKERSON, CHARLES V. UNITED STATES  
02-9697 RILEY, ENELL V. UNITED STATES  
02-9698 ROGERS, PAUL J. V. UNITED STATES  
02-9702 TIDWELL, DEVARIO C. V. UNITED STATES  
02-9717 DENSMORE, LOUIS V. USDC ND AL  
02-9718 CALLAWAY, HENRY V. UNITED STATES  
02-9723 HUGHES, HENRY L. V. UNITED STATES  
02-9726 MYERS, KERRY V. CAIN, WARDEN  
02-9728 KOERTH, LARRY L. V. UNITED STATES  
02-9729 JOHNSON, JOHN M. V. UNITED STATES  
02-9732 JAMES, HERBERT E. V. UNITED STATES  
02-9734 MORA-GARCIA, TRINIDAD V. UNITED STATES  
02-9736 MOORE, DeANTHONY V. UNITED STATES  
02-9740 WORRELL, JAMES E. V. UNITED STATES  
02-9741 VIGNIERO, JOSE L. V. UNITED STATES  
02-9744 WILLIAMS, JAMES H. V. UNITED STATES  
02-9747 CAICEDO-CUERO, JESUS M. V. UNITED STATES  
02-9748 COLLAZOS-MUNOZ, HUGO V. UNITED STATES  
02-9749 CROSS, ERSKINE D. V. UNITED STATES  
02-9750 EYMAN, DALE V. UNITED STATES  
02-9757 LE, BINH HOA V. UNITED STATES  
02-9758 IWUOGO, BLAISE C. V. UNITED STATES  
02-9760 SAMUEL, DARRELL W. V. UNITED STATES  
02-9763 RIVAS-CASTILLO, CORNELIO V. UNITED STATES  
02-9765 TRAN, LAC HONG V. UNITED STATES  
02-9766 MARQUEZ-LARIOS, EDGAR V. UNITED STATES

02-9772 SOTO, JOSE V. UNITED STATES  
02-9774 MILLER, KERRY L. V. UNITED STATES  
02-9776 BLACK, TONY T. V. UNITED STATES  
02-9777 JOHNSON, WADE V. HENDRICKS, ADM'R, NJ, ET AL.  
02-9781 APONTE, DANIEL V. ILLINOIS  
02-9782 BOONE, LEROY V. USCA 4  
02-9784 ADAMES, RAMIRO P. V. UNITED STATES  
02-9786 NGUYEN, TAM T. V. UNITED STATES  
02-9788 STRAND, RICHARD A. V. WISCONSIN  
02-9789 RANGEL, ENRIQUE V. UNITED STATES  
02-9791 CARRILLO-LOPEZ, MELESIO V. UNITED STATES  
02-9794 SMITH, QUANLON V. UNITED STATES  
02-9796 ROBINSON, GREGORY V. UNITED STATES  
02-9802 WALLACE, TYRONE V. UNITED STATES  
02-9803 TISDALE, BRYAN E. V. UNITED STATES  
02-9806 VILLANUEVA MONROY, JUAN V. UNITED STATES  
02-9807 VASSELL, JAMES A. V. PEREZ, WARDEN  
02-9812 RAMOS-ESCOBAR, JOSE V. UNITED STATES  
02-9815 THOMAS, ROBERT V. BARRON, WARDEN  
02-9819 HERNANDEZ, ROSA V. UNITED STATES  
02-9820 GRUBB, THOMAS V. UNITED STATES  
02-9821 IRWIN, SONIA V. UNITED STATES  
02-9822 HENDERSON, RANDOLPH A. V. UNITED STATES  
02-9824 GRIFFITH, TINA V. GENERAL MOTORS CORP.  
02-9826 SULMA, HENRYK V. UNITED STATES  
02-9828 DIAZ, JERRY R. V. UNITED STATES  
02-9829 SPEAD, COMMIE L. V. UNITED STATES



02-9831 RAMIREZ, MARC V. UNITED STATES  
02-9836 NICHOLS, THOMAS A. V. UNITED STATES  
02-9838 WESLEY, KEVIN V. UNITED STATES  
02-9840 SEARCY, SH'CARIS V. UNITED STATES  
02-9842 RIVERA, RAMON LUIS V. HOLDER, WARDEN  
02-9843 TREVINO-CHAVEZ, JUAN M. V. UNITED STATES  
02-9846 PAYNE, HARDING L. V. UNITED STATES  
02-9849 MILAN, MILTON V. UNITED STATES  
02-9853 BREMERS, ALFRED E. V. UNITED STATES  
02-9856 CONDE, JOSE A. V. UNITED STATES  
02-9863 ELLIS, KORELL V. UNITED STATES  
02-9886 DAVIS, ANTRONE V. UNITED STATES  
02-9891 AVERY, JONATHAN V. UNITED STATES  
02-9892 VASQUEZ, ABEL V. UNITED STATES  
02-9894 ANGELET, ANTHONY V. UNITED STATES  
02-9896 BROWN, JAMES V. UNITED STATES  
02-9905 HERNANDEZ, LUIS M. V. UNITED STATES  
02-9909 MIRANDA, JESUS V. UNITED STATES  
02-9911 GOSS, RICKEY A. V. UNITED STATES  
02-9912 FABIAN, WAYNE V. UNITED STATES  
02-9913 ROUTH, JOSEPH V. UNITED STATES  
02-9917 ENGLAND, TERRY R. V. UNITED STATES  
02-9930 COLE, BILLY V. UNITED STATES  
02-9931 SPENCER, WILLIE H. V. UNITED STATES  
02-9932 WILSON, FERNANDO F. V. UNITED STATES  
02-9939 CASTELLANOS, JULIO R. V. UNITED STATES  
02-9940 CARTER, DREW V. UNITED STATES

02-9943 CARTWRIGHT, HAROLD B. V. UNITED STATES

02-9948 WITCHER, DERRICK L. V. UNITED STATES

02-9954 COCKERILL, NEWTON V. DARIUS, WARDEN

The petitions for writs of certiorari are denied.

02-1257 SMITH, ERNEST T., ET AL. V. NH DEPT. OF REVENUE, ET AL.

The petition for a writ of certiorari is denied.

Justice Souter took no part in the consideration or  
decision of this petition.

02-1266 McDONALD, JESSIE D. V. TENNESSEE

The motion of petitioner for leave to amend the  
petition for a writ of certiorari is denied. The  
petition for a writ of certiorari is denied.

02-9356 LUNDAHL, HOLLI V. COMPTON, JEFFREY, ET AL.

The motion of petitioner for leave to proceed *in*  
*forma pauperis* is denied, and the petition for a writ of  
certiorari is dismissed. See Rule 39.8.

02-9827 SMITH, PATRICK M. V. COMMANDANT, USDB

02-9837 PENDLETON, BRIAN V. PENDLETON, RICHARD, ET AL.

The motions of petitioners to defer consideration  
of the petitions for writs of certiorari are denied.

The petitions for writs of certiorari are denied.

02-9832 BROWN, TIMOTHY D. V. UNITED STATES

The petition for a writ of certiorari before  
judgment is denied.

#### **HABEAS CORPUS DENIED**

02-1499 IN RE REYNA MOTA-HERNANDEZ

02-10011 IN RE ALFRED LEE MAULDIN

The petitions for writs of habeas corpus are  
denied.

**MANDAMUS DENIED**

02-1450 IN RE LUTHER JAMES McCASKILL

02-9315 IN RE RAPHAEL MENDEZ

The petitions for writs of mandamus are denied.

**REHEARINGS DENIED**

02-1047 EDLUND, DAWN V. BOB RYAN MOTORS, INC.

02-1165 STEWART, ALLEN W. V. UNITED STATES

02-7611 SHELTON, STANTON Q. V. ST. LOUIS COUNTY, MO

02-7920 MILLER, TIMOTHY E. V. DeMARINO, SHELLY, ET AL.

02-8016 BEAVERS, GARY Z. V. WARD, DIR., OK DOC

02-8028 WEARING, JACOB V. BOVIS LEND LEASE, INC.

02-8158 CAMPBELL, DWIGHT V. USDC ED MI

02-8293 DeVAUGHN, MICHAEL O. V. DOVE, WARDEN

02-8427 DUNN, DOUGLAS A. V. COCKRELL, DIR., TX DCJ

02-8439 HARRIS, DAVID G. V. COCKRELL, DIR., TX DCJ

02-8627 NICHOLS, BILLY M. V. USDC ED AR

02-8628 PEARSON, CURTIS V. PEARSON, ANNETTE

02-8640 ZIEGLER, JOSEPH R. V. MARTIN, BOB, ET AL.

02-9031 WOODFIN, KENNETH W. V. JOHNSON, DIR., VA DOC

The petitions for rehearing are denied.

02-837 ROLLESTON, MORETON V. ESTATE OF SIMS, ET AL.

The motion for leave to file a petition for  
rehearing is denied.

### **ATTORNEY DISCIPLINE**

D-2337      IN THE MATTER OF DISBARMENT OF ARTHUR L. PULLEY

Arthur L. Pulley, of New Rochelle, New York, having been suspended from the practice of law in this Court by order of February 24, 2003; and a rule having been issued and served upon him requiring him to show cause why he should not be disbarred; and the time to file a response having expired;

It is ordered that Arthur L. Pulley is disbarred from the practice of law in this Court.

D-2338      IN THE MATTER OF DISBARMENT OF AGOSTINHO DIAS REIS

Agostinho Dias Reis, of Newark, New Jersey, having been suspended from the practice of law in this Court by order of February 24, 2003; and a rule having been issued requiring him to show cause why he should not be disbarred;

It is ordered that Agostinho Dias Reis is disbarred from the practice of law in this Court.

D-2339      IN THE MATTER OF DISBARMENT OF HAROLD A. HALL

Harold A. Hall, of Brooklyn, New York, having been suspended from the practice of law in this Court by order of February 24, 2003; and a rule having been issued and served upon him requiring him to show cause why he should not be disbarred; and the time to file a response having expired;

It is ordered that Harold A. Hall is disbarred from the practice of law in this Court.

D-2340      IN THE MATTER OF DISBARMENT OF CAROLINE PATRICIA AYRES-FOUNTAIN

Caroline Patricia Ayres-Fountain, of Hockessin, Delaware, having been suspended from the practice of law in this Court by order of February 24, 2003; and a rule having been issued and served upon her requiring her to show cause why she should not be disbarred; and the time to file a response having expired;

It is ordered that Caroline Patricia Ayres-Fountain is disbarred from the practice of law in this Court.

D-2341      IN THE MATTER OF DISBARMENT OF ALAN DAVID LASHER

Alan David Lasher, of Staten Island, New York, having been suspended from the practice of law in this Court by order of February 24, 2003; and a rule having been issued and served upon him requiring him to show cause why he should not be disbarred; and the time to file a response having expired;

It is ordered that Alan David Lasher is disbarred from the practice of law in this Court.

D-2342      IN THE MATTER OF DISBARMENT OF CHARLES S. BUTIN

Charles S. Butin, of Great Neck, New York, having been suspended from the practice of law in this Court by order of February 24, 2003; and a rule having been issued and served upon him requiring him to show cause why he should not be disbarred; and the time to file a response having expired;

It is ordered that Charles S. Butin is disbarred from the practice of law in this Court.

D-2343      IN THE MATTER OF DISBARMENT OF JERUCHOM BERGSTEIN

Jeruchom Bergstein, of Brooklyn, New York, having been suspended from the practice of law in this Court by order of February 24, 2003; and a rule having been issued and served upon him requiring him to show cause why he should not be disbarred; and the time to file a response having expired;

It is ordered that Jeruchom Bergstein is disbarred from the practice of law in this Court.

D-2344      IN THE MATTER OF DISBARMENT OF SEBASTIAN RAGUSA

Sebastian Ragusa, of Hicksville, New York, having been suspended from the practice of law in this Court by order of February 24, 2003; and a rule having been issued and served upon him requiring him to show cause why he should not be disbarred; and the time to file a response having expired;

It is ordered that Sebastian Ragusa is disbarred from the practice of law in this Court.

D-2345      IN THE MATTER OF DISBARMENT OF JEFFREY D. GRANT

Jeffrey D. Grant, of Mamaroneck, New York, having been suspended from the practice of law in this Court by order of February 24, 2003; and a rule having been issued and served upon him requiring him to show cause why he should not be disbarred; and the time to file a response having expired;

It is ordered that Jeffrey D. Grant is disbarred from the practice of law in this Court.